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NOTICE OF ALLOWANCE AND FEE(S) DUE

22879 7590 12/15/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

AKANBI, ISIAKA O

ART UNIT

PAPER NUMBER

2886

DATE MAILED: 12/15/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,939	09/09/2003	Omer Gila	200208926-1	3097

TITLE OF INVENTION: DENSITOMETERS AND METHODS FOR MEASURING OPTICAL DENSITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/16/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

22879 7590 12/15/2008

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10/658,939 09/09/2003

Omer Gila

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/16/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
AKANBI, ISIAKA O	2886	356-443000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22879	7590	12/15/2008	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			AKANBI, ISIAKA ()	
			ART UNIT	PAPER NUMBER
			2286	

DATE MAILED: 12/15/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 485 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 485 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/658,939

Examiner

ISIAKA O. AKANBI

Applicant(s)

GILA ET AL.

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 October 2008.
2. ☒ The allowed claim(s) is/are 1-16, 18-27 and 29-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James D. Shaurette on December 05, 2008.

The application has been amended as follows:

Replace claims 13-17, 19-23, 25, 28, 40 and 41 as follows

13. [Currently Amended] A densitometer comprising:
~~at least a first illumination source~~ a plurality of illumination sources to illuminate an area;
a sensor for converting radiation received from the area; and
a processor coupled to the sensor for converting the received radiation to a standardized signal indicative of standardized optical density; and
wherein the processor is further configured to determine a color of the area and select one of the different illumination sources for use to determine the standardized optical density of the color of the area, and wherein the selection is responsive to the determination of the color.

14. [Cancelled].

15. [Currently Amended] A densitometer according to claim 13, wherein the plurality of illumination sources comprise light emitting diodes.

16. [Currently Amended] A densitometer according to claim 13, wherein the processor is further configured to compensate for the effects of heating of the illumination source sources during illumination.

17. [Cancelled].

19. [Currently Amended] A densitometer according to claim 13, wherein the first illumination source ~~is~~ sources are selected from a plurality of illumination sources selected from the set consisting of red, green, blue, and orange.

20. [Currently Amended] A densitometer according to claim 19, wherein the ~~first selected one of the different~~ illumination source ~~sources~~ is selected from the plurality of illumination sources based on the ~~source selected one of the different illumination sources~~ having a color that is substantially a color complement to an area of a media to be measured.

21. [Currently Amended] A densitometer according to claim 13, further comprising a memory for receiving and storing data regarding inks used to print one or more areas to be measured, and means for accessing the stored data to determine the color printed on an area, the data being used to select a spectral wavelength of the ~~at least a first illumination source~~ selected one of the different illumination sources.

22. [Currently Amended] A densitometer according to claim 13, wherein the ~~at least a first illumination source to illuminate an area~~ selected one of the different illumination sources is exactly a single illumination source having a spectral wavelength range narrower than the spectrum of visible white light.

23. [Currently Amended] A densitometer according to claim 22, wherein the ~~single illumination source~~ selected one of the different illumination sources having a spectral wavelength range narrower than the spectrum of visible white light comprises a light emitting diode having one of a red, green, blue, orange color spectral output.

25. [Currently Amended] A printing apparatus comprising:
means for printing at least one ink on an area;
a controller coupled to the means for printing; and
a densitometer coupled to the controller, the densitometer positioned to illuminate the area and generate a standardized signal indicative of standardized optical density of the area responsive to the illumination; and

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wherein the densitometer is configured to determine the color of ink printed on the area and to select at least one of a plurality of different illumination sources for the illumination and corresponding to the determination of the color of ink.

28. [Cancelled].

41. [Currently Amended] The printing apparatus of claim 25, wherein the means for printing comprises means for providing data regarding the at least one ink, and the selected at least one of a plurality of the different illuminant sources of the densitometer is selected for the illumination using the data regarding the at least one ink.

- In page 8, line 1, "A densitometer according to claim 17", has been changed to A densitometer according to claim 13

Allowable Subject Matter

Claims 1-13, 15-16, 18-27 and 29-46 are allowed.

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious using electrical circuitry, selecting, based on the color, one of a plurality of different illumination sources appropriate to determine optical density of the color on the area, in combination with the rest of the limitations of the claim. Claims 1-8, 24, 30-36 and 45 are allowable by virtue of their dependency.

As to claim 9, the prior art of record, taken alone or in combination, fails to disclose or render obvious based on the color, automatically selecting one of a plurality of different illumination sources in a densitometer without user input, in combination with the rest of the limitations of the claim. Claims 10-12, 37 and 46 are allowable by virtue of their dependency.

As to claim 13, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein the processor is further configured to determine a color of the area and select one of a plurality of different illumination sources for use to determine the standardized optical density of the color of the area, and wherein the selection is responsive to the determination of the color in combination with the rest of the limitations of the claim. Claims 15-16, 18-23 and 38-40 are allowable by virtue of their dependency.

As to claim 25, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein the densitometer is configured to determine, the

color of ink printed, on the area and to select at least one of a plurality of different illumination sources for the illumination and corresponding to the determination of the color of ink, in combination with the rest of the limitations of the claim. Claims 26-27, 29 and 41-44 are allowable by virtue of their dependency.

The prior art reference of Hubble, III et al. (6,384,918 B1)(fig. 2) discloses a spectrometer for non-contact measuring of the colors of colored target areas/ test patch which is sequentially or successively illuminated using different LEDs, the reflectance from the test patch resulting from the sequential or successive illumination of the test patch by the ten or more different LEDs may be extrapolated over the entire visible spectra. However Hubble fail to disclose, teach or suggest using electrical circuitry, selecting, based on the color, one of a plurality of different illumination sources appropriate to determine optical density of the color on the area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur R. Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2886

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi

December 05, 2008

**/Roy M. Punnoose/
Primary Examiner, Art Unit 2886**